

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICHAEL ANTHONY AVINGER,

Defendant.

CASE NO. CR17-0185-JCC

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable John C. Coughenour, United States District Judge:

This matter comes before the Court on Defendant Michael Avinger's unopposed motion to continue trial and extend the due date for pretrial motions (Dkt. No. 20). Having reviewed the motion and the relevant record, the Court FINDS the following:

1. Failure to grant the continuance in this case would likely result in a miscarriage of justice. *See* 18 U.S.C. § 3161(h)(7)(B)(i).

2. Taking into account the exercise of due diligence, failure to grant the continuance in this case would deny defense counsel the reasonable time necessary for effective preparation, due to defense counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

3. The additional time requested is a reasonable period of delay, as more time is

1 necessary for defense counsel to prepare for trial, investigate the matter, gather evidence material
2 to the defense, and consider possible defenses. *See* 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

3 4. The ends of justice served by granting this continuance outweigh the best interests
4 of the public and Defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

5 5. Defendant has filed a speedy trial waiver consenting to a continuance of his trial
6 to any date up to and including December 18, 2017. (Dkt. No. 21 at 1.)

7 Accordingly, the Court ORDERS that:

8 1. The motion to continue (Dkt. No. 20) is GRANTED.

9 2. The jury trial in this case is CONTINUED from October 10, 2017 to December 4,
10 2017 at 9:30 a.m.

11 3. The resulting period of delay from the date of this Order, September 8, 2017, to
12 the continued trial date, December 4, 2017, is hereby EXCLUDED for speedy trial purposes
13 under 18 U.S.C. § 3161(h)(7)(A) and (B).

14 4. Pretrial motions are due no later than October 27, 2017.

15
16 DATED this 8th day of September 2017.

17 William M. McCool
18 Clerk of Court

19 s/Tomas Hernandez
20 Deputy Clerk